



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 7509

DEL SOLDATO, et al.

Group Art Unit: 1617

Application No.: 10/686,907

Examiner: Chong, Yong Soo

Filed: October 17, 2003

Atty. Dkt. No.: 026220-00039

For: NITRIC ESTER DERIVATIVES AND THEIR USE IN TREATING  
GASTROINTESTINAL TUMORS

**RESPONSE TO RESTRICTION REQUIREMENT AND  
ELECTION OF SPECIES REQUIREMENT**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 13, 2007

Sir:

This paper is filed in response to the Restriction Requirement and Election of Species Requirement dated January 17, 2007, in connection with the above-identified patent application.

In response to the Restriction Requirement, Applicants hereby provisionally elect Group XII (claim 1 (in part), 2, 4, and 5-6 (in part), drawn to a method for the treatment of gastrointestinal tumors by administering a compound where  $X = \text{NH}$  or  $\text{NR}_{1c}$  and R is chosen from the subgroup VIA, and formula Ia of subgroup VIA with traverse. The Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

In particular, Applicants disagree with the secondary restriction of a single formula of subgroups IA-VA, as the compounds of each subgroup IA-VIA do not necessarily lead